

BOUCHER AND STEARNS INTRODUCE VOLUNTARY INCENTIVE AUCTIONS ACT OF 2010

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[Overview and Section-by-Section](#)

[Congressman Boucher's Statement](#)

(Washington, D.C.) – Today, U.S. Representatives Rick Boucher (D-VA), Chairman of the Subcommittee on Communications, Technology, and the Internet, and Cliff Stearns (R-FL), Ranking Member of the Subcommittee, introduced the Voluntary Incentive Auctions Act of 2010. The legislation will help ensure that new spectrum can be made available for commercial wireless services by permitting the Federal Communications Commission (FCC) to conduct incentive-based spectrum auctions in which a spectrum holder voluntarily relinquishes its spectrum in return for a portion of the auction proceeds.

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Plan calls for making 500 MHz of spectrum newly available for broadband use within the next 10 years. That is a worthy goal, and one that our legislation will assist in achieving,”
Boucher said.

“We are facing a looming spectrum crisis. It’s very clear that the U.S. will need additional spectrum to meet the growing demand for wireless broadband. □ Wireless providers have used spectrum to provide U.S. consumers with innovative voice and data services. The number of mobile broadband customers has increased exponentially over the past several years. As customers increase the amount of time they spend on their mobile devices talking, emailing, and surfing the Internet, cell sites become constrained for capacity. In order to remain the world’s leader in innovation, we need to make more spectrum available,” Stearns said.

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The National Broadband Plan also suggests that the Federal Communications Commission initiate a rulemaking to reallocate some spectrum currently in the hands of television stations from television broadcast to wireless broadband use. The Plan suggests that the Commission, among other things, determine rules for auctioning broadcast spectrum reclaimed through voluntary channel sharing or channel surrender, including a way for stations to receive a share of the proceeds for spectrum they contribute to the auction.

The National Broadband Plan’s recommendation concerning incentive-based auctions, with broadcasters sharing in the proceeds from the auction of spectrum they voluntarily return to the Federal Communications Commission, requires legislation. Boucher and Stearns today are introducing the requisite legislative measure.

Under the legislation, only in instances in which television broadcasters or other spectrum holders willingly enter into agreements with the FCC for the surrender of their spectrum in return for a portion of the auction revenues would the transaction be deemed to be voluntary. And “truly voluntary” means neither directly nor constructively involuntary. **“Our goal is to ensure that any incentive auctions the Federal Communications Commission conducts are truly voluntary,”** Boucher noted.

“The Voluntary Incentive Auctions Act takes the right approach to incentive-based spectrum auctions—enter into conversations with broadcasters and others about surrendering a portion of their spectrum on a voluntary basis, determine rules for incentive-based auctions that are truly voluntary and conduct the auctions in accordance with the agreement,” Boucher said.

“The Voluntary Incentive Auctions Act of 2010 is a positive step toward this goal. □ It is important to stress that any incentive auctions conducted by the FCC are truly voluntary. No spectrum licensee, whether a broadcaster or wireless provider, should be forced to give up the spectrum they currently hold,” Stearns concluded.

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